

A.G.A. SYSTEMS, INC.,)	AGBCA Nos. 2004-172-1
)	2004-192-1
Appellant)	
)	
Representing the Appellant:)	
)	
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)	
Representing the Government:)	
)	
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DECISION OF THE BOARD OF CONTRACT APPEALS

October 27, 2004

Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge WESTBROOK.

These appeals arise out of Contract No. 53-9A40-3-1P69, Sampson Mechanical Shredding and Fuel Reduction, Item 2, Stanislaus National Forest, between A.G.A. Systems, Inc., of Clackamas, Oregon (Appellant or A.G.A.), and the U. S. Department of Agriculture, Forest Service (FS), Southern Sierra Province, California (Appellant or FS). The appeal was received at the Board June 15, 2004, and assigned AGBCA No. 2004-172-1. While the Contracting Officer's decision appeared to be responding to claims by A.G.A., it also contained indications that the contract may have been terminated for default. After several telephone conferences with the parties and receipt of additional documents, including a termination decision, it became clear that A.G.A. was appealing both an adverse decision on claims and a termination. At that time, the appeal of the termination decision was docketed as AGBCA No. 2004-192-1. Appellant filed a complaint in AGBCA No. 2004-172-1. Shortly thereafter, Government counsel informed the Board that the parties were discussing settlement. The Board has now received Appellant's letter dated September 8, 2004, stating that the

parties have agreed to settle the matters and withdrawing the appeals.

DECISION

The parties having settled the appeals, they are hereby dismissed with prejudice.

ANNE W. WESTBROOK
Administrative Judge

Concurring:

HOWARD A. POLLACK
Administrative Judge

JOSEPH A. VERGILIO
Administrative Judge

Issued at Washington, D.C.
October 27, 2004